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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,267	12/12/2001	Michael Wayne Brown	AUS920010821US1	1757

7590 11/03/2004
Biggers & Ohanian PLLC
5 Scarlet Ridge
Austin, TX 78737

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,267

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 40-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 08/09/04. Claims 1-30 and 40-52 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-30 and 40-52 have been considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of needs at this time.

Claim Objections

3. Claims 8, 19 and 30 are objected to because of the following informalities: regarding claims 8, 19 and 30, the limitation 'said destination device is enabled to adjust output according to said identifier for said preferred callee' lacks antecedent basis. The limitation is not disclosed in the original specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 11, 12, 15, 22, 26, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallick (U.S. Patent No. 6,678,359).

Regarding claim 1, Gallick teaches detecting, at a server (i.e. origin device), a speech (i.e., voice utterance) of an answering called party (i.e., callee) from the called party terminal (i.e., destination device) (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6). (Note; since feature server is sending a call set up message from calling party to called party, therefore, the server is an origin device (see fig.6))

Gallick further teaches identifying, at the server, an answering called party associated with the speech, such that the answering called party identity is transmittable as an authenticated identity of the answering called party for a call (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Regarding claims 4, 15 and 26, Gallick teaches extracting speech sample from the voice utterance (col.2, lines 9-11, col.3, lines 12-53, col.6, lines 3-14; 'sample' reads on the claim 'characteristics').

Gallick further teaches comparing the speech sample to stored voice sample on file for identifying the answering called party (col.3, lines 44-49; 'voice sample on file' reads on the claim 'a plurality of voice samples stored' and 'the answering called party' reads on the claim 'a plurality of callees').

Regarding claims 11 and 22, Gallick teaches that the answering called party identity comprises at least one from among an answering called party name, an answering called party location, a subject of the call, and a device identification (col.6, lines 3-14, 27-59; 'answering party' reads on the claim 'callee').

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Regarding claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches a server (i.e. origin device) connected to a telephone network (fig.1).

Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches database (col.4, lines 40-49; 'database' reads on the claim 'recording medium').

Regarding claim 50 is rejected for the same reasons as discussed above with respect to claim 23. Furthermore, Gallick teaches enabling output of the authenticated identity from the server (i.e. origin device) such that a caller accessing server is informed of an identity of the answering called party (col.3, lines 44-53, col.6, lines 3-14, 27-59; 'answering called party' reads on the claim 'callee').

Regarding claim 51, Gallick teaches comparing the speech sample with at least one voice sample on file stored at the server (col.3, lines 44-49; 'speech sample' reads on the claim 'voice utterance' and 'voice sample on file' reads on the claim 'voice imprint').

Gallick further teaches authenticating the identity of the answering called party according to an answering called party identification stored in association with a voice sample on file responsive to matching the voice utterance with the at least one voice sample on file (col.3, lines 44-53, col.6, lines 3-14, 27-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 8, 13, 19, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claims 2, 13 and 24, Gallick does not specifically teach “prompting said callee, from said origin device, to provide said voice utterance”. Bartholomew teaches instructing the answering party, from the IP 23 (i.e. ‘origin device’ includes telephone, central office, IP 23), to provide the input speech (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; ‘instructing’ reads on the claim ‘prompting’, ‘answering party’ reads on the claim ‘callee’ and ‘input speech’ reads on the claim ‘voice utterance’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee from the origin device, to provide the voice utterance as taught by Bartholomew. The motivation for the modification is to have the prompt in order to provide an option to verify identification of the called party.

Regarding claims 8, 19 and 30, Gallick teaches enabling the caller to identify a preferred answering called party at the server (col.3, lines 12-53, col.6, lines 3-14).

Gallick does not specifically teach “transferring an identifier for said preferred callee to said destination device, wherein destination device is enabled to adjust output according to said identifier for said preferred callee”. Bartholomew teaches providing an identifier for the preferred answering party to the destination central office switch, wherein destination central office switch is enabled to load subscriber profile information according to the identifier for the preferred answering party (fig.1; col.14, lines 9-52, col.43, lines 3-67, col.44, lines 1-12;

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'providing' reads on the claim 'transferring', 'answering party' reads on the claim 'callee', 'destination central office switch' reads on the claim 'destination device' and 'load subscriber profile information' reads on the claim 'adjust output'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow transferring an identifier for the preferred callee to the destination device, wherein destination device is enabled to adjust output according to the identifier for the preferred callee as taught by Bartholomew. The motivation for the modification is to have the prompt in order to provide more information to verify identification of the called party.

8. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of McAllister (U.S. Patent No. 6,101,242).

Regarding claims 3, 14 and 25, Gallick fails to teach "prompting said callee to enter an additional input to verify said callee identity". McAllister teaches prompting the called party for one or more repeat attempts (col.34, lines 1-61; 'called party' reads on the claim 'callee' and 'for one or more repeat attempts' reads on the claim 'enter an additional input to verify said callee identity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to have the prompt in order to provide more information to verify identification of the called party.

9. Claims 5, 6, 16, 17, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Timonen et al. (U.S. Pub. No. 2002/0058494).

Regarding claims 5, 16 and 27, Gallick fails to teach “transmitting said voice utterance to a third party device via a network”. Timonen teaches transmitting the identification data to a third party device via a network (fig.3; page 6, paragraphs 0055, 0056; ‘identification data’ reads on the claim ‘voice utterance’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow transmitting the voice utterance to a third party device via a network as taught by Timonen. The motivation for the modification is to have doing so in order to provide authentication of the party.

Gallick fails to teach “receiving said callee identity from said third party device”. Timonen teaches receiving the party identity from the third party device (fig.3; page 6, paragraphs 0055, 0056; ‘party identity’ reads on the claim ‘callee identity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow receiving said callee identity from the third party device as taught by Timonen. The motivation for the modification is to have doing so in order to provide the identity of the authenticated party.

Regarding claims 6, 17 and 28, Gallick fails to teach “requesting a voice sample for said particular callee from a third party device accessible via a network”. Timonen teaches requesting the identification data for the particular party to a third party device via a network (fig.3; page 6, paragraphs 0055, 0056; ‘identification data’ reads on the claim ‘voice sample’ and ‘party’ reads on the claim ‘callee’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow requesting a voice sample for the particular callee from a third party device accessible via a network as taught by Timonen. The

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motivation for the modification is to have doing so in order to provide authentication of the party.

Gallick fails to teach “receiving said voice sample for said particular callee for enabling authenticating of said callee identity”. Timonen teaches receiving the identification data for the particular party for enabling authenticating of the party identity (fig.3; page 6, paragraphs 0055, 0056; ‘identification data’ reads on the claim ‘voice sample’ and ‘party’ reads on the claim ‘callee’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow receiving the voice sample for the particular callee for enabling authenticating of the callee identity as taught by Timonen. The motivation for the modification is to have doing so in order to provide the identity of the authenticated party.

10. Claims 7, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Silverman et al. (U.S. Patent No. 5,875,240).

Regarding claims 7 and 18, Gallick fails to teach “displaying said callee identity to said caller at said origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity”. Silverman teaches displaying the called party identification information at the end-user device to which the call is routed before the call is answered (col.2, lines 26-55; ‘the end-user device to which the call is routed before the call is answered’ reads on the claim ‘origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow displaying the callee identity as taught by Silverman. The motivation for the modification is to have the display in order to provide the information of the called party.

Regarding claim 29, Gallick fails to teach “controlling output of said callee identity to said caller at said origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity”. Silverman teaches displaying the called party identification information at the end-user device to which the call is routed before the call is answered (col.2, lines 26-55; ‘displaying the called party identification information’ reads on the claim ‘controlling output of said callee identity to said caller’ and ‘the end-user device to which the call is routed before the call is answered’ reads on the claim ‘origin device, wherein said caller is enabled to select whether to continue said call according to said callee identity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow displaying the callee identity as taught by Silverman. The motivation for the modification is to have the display in order to provide the information of the called party.

11. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Baker (U.S. Patent No. 5,533,109).

Regarding claims 9 and 20, Gallick fails to teach “said origin device is a private exchange network”. Baker teaches that the calling party device is a PBX unit (fig.1, fig.2; col.2, lines 26-55; ‘calling party device’ reads on the claim ‘origin device’ and ‘PBX unit’ reads on the claim ‘private exchange network’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device as a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

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12. Claims 10, 21, 40, 41, 43-46, 48, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Kobayashi (U.S. Patent No. 6,765,995).

Regarding claims 10 and 21, Gallick does not specifically teach 'said origin device is a telephony device". Kobayashi teaches that the telephone set (i.e. origin device) is a telephony device (abstract; fig.1, item 101). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the origin device being a telephony device as taught by Kobayashi. The motivation for the modification is to have doing so in order to provide automatic response service of voice.

Regarding claims 40 and 45, Gallick teaches detecting, at a server, a speech (i.e., voice utterance) of an answering called party (i.e., callee) from the called party terminal (i.e., destination device) (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

However, It is not clear whether Gallick teaches origin device originating a call that has the speech recognition feature. Kobayashi teaches that the telephone set (i.e. origin device) originating a call that has the speech recognition feature (abstract; fig.1, item 101; col.8, lines 9-12, 64-67, col.9, lines 5-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow origin device originating a call that has the speech recognition feature so that the caller does not need to pay extra expense or time to retrieve the identity of the desired called party from his own softphone terminal instead from remote terminal.

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Gallick further teaches authenticating an identity of the answering called party (i.e., callee) from the voice utterance at the voice identification recognizer of server (fig. 1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59).

Gallick further teaches enabling output of the authenticated identity from the server, such that a caller accessing server is informed of an identity of the answering called party (fig. 1, fig.4, fig.6; col.3, lines 44-53, col.5, lines 30-36, col.6, lines 27-59, col.7, lines 1-6).

Regarding claims 41 and 46 are rejected for the same reasons as discussed above with respect to claim 41. Furthermore, Gallick teaches comparing the voice utterance with at least one voice imprint stored at the server (fig.1, fig.6; col.3, lines 12-53, col.6, lines 3-14, 27-59, col.7, lines 1-6).

Gallick further teaches responsive to matching the voice utterance with the at least one voice imprint, authenticating the identity of the callee according to a callee identification stored in association with the voice imprint (fig.2a, fig.2b; col.3, lines 44-53, col.5, lines 30-36, col.6, lines 27-59, col.7, lines 1-6).

Regarding claims 43 and 48, Gallick teaches displayable output to a graphical user interface (col.3, lines 7-12).

Regarding claims 44 and 49, Gallick teaches that output comprises audio alert (i.e., audio output via a speaker) (fig.3, step 310; col.3, lines 6-25).

Regarding claim 52 is rejected for the same reasons as discussed above with respect to claim 40. Furthermore, Gallick does not specifically teach a call initiating telephony apparatus. Kobayashi teaches a telephone set (i.e. call initiating telephony apparatus) (fig. 1, item 101; col.8, lines 9-12, 64-67). Thus, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify Gallick to allow the origin device being a telephony device as taught by Kobayashi. The motivation for the modification is to have doing so in order to open up a channel for a call.

13. Claims 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Kobayashi (U.S. Patent No. 6,765,995) and further in view of Gallick et al. (U.S. Patent No. 6,167,119).

Regarding claims 42 and 47 are rejected for the same reasons as discussed above with respect to claim 41. Furthermore, Gallick in view of Kobayashi fails to teach “accessing at least one voice imprint from a third party server”. Gallick teaches inherently accessing at least one pattern information from the police (col.43, lines 36-67, col.44, lines 1-12; ‘pattern information’ reads on the claim ‘with at least one voice imprint’ and ‘police’ reads on the claim ‘third party server’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick in view of Kobayashi to allow accessing at least one voice imprint from a third party server as taught by Gallick. The motivation for the modification is to have doing so in order to provide third party verification service.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bassenyemukasa et al. (U.S. Patent No. 5,623,539) teach Using voice signal analysis to identify authorized users of a telephone system, Church et al. (U.S. Patent No. 5,283,833) teach Method and apparatus for speech processing using morphology and rhyming, Chan et al. (U.S. Patent No. 6,697,456) teach Speech analysis based answer detection for IP based

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telephones and Logan (U.S. Pub. No. 2002/0181671) teach Cellular telephone with audio recording subsystem.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.

MD SHAFIUL ALAM ELAHEE

October 29, 2004

 10/28/04
ROLAND G. FOSTER
PRIMARY PATENT EXAMINER